

REMARKS/ARGUMENTS

Claims 1, 7, 8, 12-14, 16-21 and 23 are pending. By this Amendment, claims 10, 11 and 24 are cancelled without prejudice or disclaimer, and claims 1, 7, 12-14, 21 and 23 are amended. Support for the amendments to claims 1, 7, 12-14, 21 and 23 can be found, for example, in previously presented claims 1, 7, 12-14, 21 and 23. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Personal Interview

Applicants appreciate the courtesies extended to Applicants' representative by Examiners Robinson and Speer during the December 1, 2009 Personal Interview. Applicants' separate record of the substance of the interview is incorporated in the following remarks.

Objection to the Claims

The Office Action objects to claims 11 and 24 as including informalities. By this Amendment, claims 11 and 24 are cancelled, rendering the objection moot.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 11 and 24 as indefinite under 35 U.S.C. §112, second paragraph. By this Amendment, claims 11 and 24 are cancelled, rendering the rejection moot.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1, 7, 11-14, 16-21, 23 and 24 under 35 U.S.C. §102(b) over U.S. Patent No. 6,045,896 to Boire et al. ("Boire"). By this Amendment, claims

11 and 24 are cancelled, rendering the rejection moot as to those claims. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 recites "[a] composite product, comprising: a transparent substrate; a multilayer system comprising a functional layer and a layer C; and a cover layer; wherein: the multilayer system has a solar-control function or an energy-control function; the functional layer reflects at least some radiation of the solar spectrum; the layer C comprises silicon or aluminum [nitride, carbonitride, oxynitride or oxycarbonitride], or a mixture of the two; the layer C is surmounted by the cover layer; and the cover layer comprises at least one oxide comprising Zr and at least one other metal" (emphasis added). Claim 21 is directed to process including, *inter alia*, applying a cover layer, as recited in claim 1, to a transparent substrate. Boire does not disclose or suggest such a product or such a process.

Boire discloses that: "... the barrier layer ... may, in particular, be surmounted by at least one other layer based on a metal oxide or oxides, such as zinc oxide ZnO, tin oxide SnO₂, titanium oxide TiO₂, niobium oxide Nb₂O₅, tantalum oxide Ta₂O₅, aluminum oxide Al₂O₃ and tungsten oxide WO₃, or any mixture of at least two of these oxides." *See Boire*, column 7, lines 19 to 27. However, as agreed during the Personal Interview, Boire fails to disclose or suggest a cover layer including at least one oxide including Zr and at least one other metal.

As Boire fails to disclose or suggest employing a cover layer including at least one oxide including Zr and at least one other metal, Boire fails to disclose or suggest each and every feature of claims 1 and 21.

As explained, claims 1 and 21 are not anticipated by Boire. Claims 7, 12-14, 16-20 and 23 depend from claims 1 and 21 and, thus, also are not anticipated by Boire. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 8 and 10 under 35 U.S.C. §103(a) over Boire in view of U.S. Patent Application Publication No. US 2001/00313365 to Anderson et al. ("Anderson"). By this Amendment, claim 10 is cancelled, rendering the rejection moot as to that claim. As to the remaining claim, Applicants respectfully traverse the rejection.

For the reasons discussed above, Boire fails to disclose or suggest each and every feature of claim 1. Anderson does not remedy the deficiencies of Boire. Anderson is cited for its alleged disclosure of a $ZnTiO_x$ layer that is doped or a ZrO_2 layer that includes a further metal and is doped. *See* Office Action, pages 6 to 7. However, Anderson, like Boire, fails to disclose or suggest a composite product including a cover layer of at least one oxide including Zr and at least one other metal. Accordingly, the combination of references fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 would not have been rendered obvious by Boire and Anderson. Claim 8 depends from claim 1 and, thus, also would not have been rendered obvious by Boire and Anderson. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

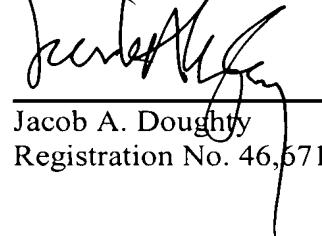
Conclusion

For the foregoing reasons, Applicants submit that claims 1, 7, 8, 12-14, 16-21 and 23 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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